



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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June 2, 2009

The Honorable André Bauer
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 758, R. 83, a bill that would allow school districts in Clarendon County to use revenue from the one percent sales and use tax enacted in 2004 to be used for academic and arts instruction. I am vetoing this bill for three reasons.

First, this legislation changes the use of a tax going back to the taxpayers for their approval. We signed Act 355 in 2004 enacting the Clarendon County School Districts Property Tax Relief Act. Even though we may disagree with the tax increases, we have allowed many bills to become law providing the local taxpayers have a voice in its imposition. Specifically, Act 355 provided for a special one percent sales and use tax in Clarendon County for not more than 20 years which was enacted by the Clarendon County Council, and this statute was put into effect through local ordinance after public readings and a hearing by Clarendon County Council. The purpose of that legislation was to defray general obligation debt service or the costs of capital improvements within the three Clarendon County school districts. S. 758 goes further by allowing the tax revenue to be used for the delivery of academic or arts instruction. We are vetoing this bill because it changes the intent of the original legislation without approval by the voters.

This leads us to our second point, in that the intent of the original legislation has not been met in one of the three districts, which is why we believe that now is not the time to expand the use of the tax revenue. This bill would not benefit Clarendon School District One, as this district has a higher amount of debt service than the other two districts; therefore, they would have no excess

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tax revenue to use for classroom expenses. This underscores again why we should work to enact legislation along the lines of H. 3340 introduced by Representative Ken Kennedy that would further consolidate the 84 school districts in our state. If such legislation was enacted, the people of Clarendon County could further reduce their overall debt load on school construction.

Third, we understand that this bill is an effort to offer yet another way to drive more dollars to the classroom in a tough budget year. Just this year, the General Assembly enacted and we signed legislation granting full funding flexibility that will benefit all three districts in Clarendon. Under the new law, school districts can transfer state funds, including Education Improvement Act and Lottery funds, to ensure the delivery of academic and arts instruction in the coming school year. Additionally, we signed S. 588 allowing school districts to delay the issuing of teacher contracts by one month, giving districts more time to work on local budget issues. Lastly, more than \$300 million in federal stimulus dollars are coming to our state to support high poverty and special education programs, and we believe that the infusion of this federal money, coupled with these two pieces of legislation, should offer the Clarendon school districts much-needed support in addressing funding for academic or arts instruction.

For the reasons outlined above, I am returning without my approval S.758, R. 83.

Sincerely,

Mark Sanford